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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/607,069      | 06/29/2000  | Jie Cheng            | 200-0382            | 7285             |

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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/607,069

Applicant(s)

CHENG ET AL.

Examiner

Michael J Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

The amendment filed 12/27/02 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: As to claims 24,25,41 and 42, there is no mention in the specification of a "global estimation" and insufficient data as to what it is. As to claims 25 and 42, there is no mention of a linear regression in the original specification. As to claims 26 and 41, there is no mention of a "neural network" in the specification as filed. As to claim 30, there is no mention in the specification as filed of a limit of a difference of "3,000 miles" as a factor. As to claims 27,32 and 34, there is no mention of a "resale channel" in the original specification. As to claim 31, there is no previous mention of "planned resale information".

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

Claims 24,25,27,30-32,34,41 and 42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As to claims 24,25,41 and 42, there is no mention in the specification of a "global estimation" and insufficient data as to what it is. As to claims 25 and 42, there is

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no mention of a linear regression in the original specification and therefore no mention of how to use it. As to claims 26 and 41, there is no mention of a "neural network" in the specification as filed. As to claim 30, there is no mention in the specification as filed of a limit of a difference of "3,000 miles" as a factor. As to claims 27,32 and 34, there is no mention of a "resale channel" in the original specification and therefore no way to understand this limitation. As to claim 31, there is no previous mention of "planned resale information" and therefore no way to understand this limitation.

Note: For examination purposes it will be assumed that the "resale channel" is who is selling the vehicle.

Claims 33-42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The formulae in claims 33,35 and 36 are incomplete. While they list variables to be used, they do not explain how to use the variables, as there is no mention in the specification as to how to combine the variables to achieve the stated results, there is no way to use these claims.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 23-42, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over N.A.D.A. web page from 11/1999. (NADA)

NADA discloses a method for determining a vehicle's price which includes checking historical values for cars (paragraph 2 on page 1) and using this to generate values for autos. While they don't specifically mention adjusting for error, this would be inherent. It is further inherent in the NADA that they user compares the values in the book to a similar car. There are factors listed that increase and decrease the value of the auto, including; high mileage, low mileage, automatic or standard transmission, air conditioning, sound system, power accessories, region, sun/moon roof, spoiler, alloy wheels et al. NADA is generally regarded as one of the best sources for automobile prices because they have a low error and as such are used in many automobile dealerships as a guide to the value of used cars for trade-ins. They further compare comparable vehicles for their prices and adjust the prices for other vehicles, they have a price for average and then list prices for clean, rough and further list a wholesale price. These values would be distance weighted from the average price. The NADA book further is region-specific and thus, there would be the ability to determine distance between autos.

### ***Response to Arguments***

As is discussed above, NADA uses the same criteria as claimed for assigning value to a used car. It is inherent in the use of the NADA book that the user would be

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comparing the values to a specific car and weighting for various factors. While NADA does not specifically discuss this, it is the reason for the book and how it is used.

Applicant merely uses a computer to perform the task that NADA, and Kelley Blue Book, have performed for years. Further, as can be seen, the NADA website performs these functions and therefore uses a computer to perform the tasks. NADA inherently discloses many of the features as claimed in the instant application, such as a number "K" of vehicles, the number "K" being how many they used to formulate their data.

### ***Conclusion***


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

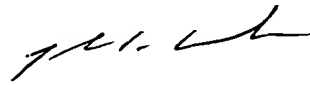
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

MF   
March 9, 2003

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**